

APPROVED

**TOWN OF WESTFORD**

**BOARD OF SELECTMEN**

**MINUTES**

**DATE:** March 9, 2004

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Christopher Romeo, Robert Jefferies, Dini Healy-Coffin,  
Allan Loiselle, James Silva

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager, Audience Members

**Open Forum**

Judy Culver, 34 Stone Ridge Road, stated that she has lived in Westford for 35 years, was a member of the School Committee for 10 years and is in her ninth year on the Finance Committee. Culver reported that the School Committee will be seeking an override to fund a portion of the bus fees. Without the override, the School Committee is proposing a bus fee. Culver expressed concern for the safety of those school children within a two mile radius of school who will have to walk. Culver pointed out the lack of sidewalks, heavy traffic and child predators make it unsafe for children to walk to school. Culver suggested that school transportation be removed from the School Department budget to be voted on separately at town meeting. Culver felt that school transportation was a public safety issue of the town and that the School Committee should focus on education issues. Culver also felt that fees should be implemented for activities that are optional and should not be implemented for school transportation. Culver noted that this is the third time in the last 10 years school transportation has become the subject of potential fees. Margaret Murray, Chairman of the School Committee, reported that the School Committee has not has an opportunity to discuss Culver's idea. Bill Olsen, Assistant School Superintendent, recommended keeping school transportation in the school budget noting that the School Department works closely with the bus

company on a day-to-day basis. Olsen was concerned with the variability of town meeting and the potential for cuts.

Mariclar O'Neal, 6 Palace Road, Abbot Playground Rebuild Committee, updated the Board on the efforts of the committee to rebuild the Abbot playground through fundraising efforts and donations from local businesses. O'Neal indicated that the committee will be asking to place an article on the town meeting warrant for \$30,000 for the rebuild. O'Neal will provide a plan at the next meeting. Healy-Coffin suggested that the committee speak to Pat Savage, Director of Parks and Recreation, for playground ideas. Healy-Coffin also suggested that the committee do a telethon to raise money.

Romeo reported that there was a comment made in the *Backtalk* section of the Lowell Sun on March 3, 2004 from a resident who heard profanity over the police scanner. Romeo read a memo from Deputy Chief McEnaney which clarified that the profanity was from an OUI arrestee in the police cruiser.

Romeo expressed condolences on the recent passing of Chief Robert Welch's father. Ledoux to send a letter of condolence to the Welch family.

Dick Westberg, 11 Torrington Lane, requested information regarding the amount of money saved by the town regarding the early retirement and whether any of those employees had been rehired. Westberg also asked how much tax payer money had been spent on the Franklin property and the Brookside Mill. Romeo stated that the Brookside Mill property will provide tax revenue to the town as well as five units of affordable housing. Romeo explained that the town does not own the Franklin property but has ongoing issues with back taxes. Westberg stated that he cannot support an override.

**Board of Selectmen, Town Moderator and School Committee to Make Joint Appointment for Nashoba Valley Technical High School Representative**

Romeo announced that due to a scheduling conflict, this matter was continued to March 23, 2004. Ellen Harde, Town Moderator, announced to the public that a three year position and an alternate position are open.

**Joint Meeting with the Selectmen, School Committee and Finance Committee to Discuss Ongoing Budget Issues**

Margaret Murray, Chairman of the School Committee and Steve Foster, School Superintendent, made a presentation to the Joint Boards as follows: Status of Budget FY05; Distribution of FY05 Request for Appropriation Increases Totaling \$1,400,000; Items Contained within \$1,400,000 Request; Listing of Various Teaching Levels; Items that Remain Unfunded: \$1,225,075; Distribution of FY05 Reductions Totaling \$1,225,075.

Bill Olsen, Assistant School Superintendent, made a presentation as follows: Summary of School Choice and Foundation Grants FY02 through FY05; and Summary of Other Revolving Funds FY02 through FY04. Olsen estimated the growth over the last several years to be an average of 7.5% to 8%. Olsen noted that operating costs have increased substantially in the School Department.

Suzanne Marchand, Finance Director, outlined the tax impact analysis for FY05 for various override amounts based upon a \$385,413 FY04 average assessment.

Liz Adams, Chairman of the Finance Committee, reported that the Finance Committee voted to recommend to the Selectmen not bonding capital at this point. The Finance Committee also recommended some kind of an override with a limited tax impact (any override would be at least a two year solution to the structural budget gap). Adams stated that the Finance Committee would like to see an override with equal allocation between the town budget, the school budget and replenishing reserves. Adams reported that the Finance Committee will be reviewing the school budget and the Nashoba Valley Technical High School budget on Wednesday, March 17, 2004.

Paul Murray, 12 Wilshire Avenue, pointed out that next year's reassessment by the Board of Assessors will add to some residents' tax bills.

Nancy Schiavone, 9 Villanova Drive, was present on behalf of the Westford Alliance for Education, and urged the Selectmen to support the School Committee's budget request for an additional \$1.4M. Schiavone felt that it is easier and more affordable for a family to deal with an override rather than fees for buses, sports, etc. Schiavone disagreed with the idea of moving the bus fees out of the school budget. Schiavone stated that Westford Alliance for Education is willing to work with the town to educate voters about an override.

Veronica Whitehouse, Chairman of the Library Trustees, reported that the Trustees voted to request that if the Selectmen go for an override that \$10,000 be earmarked to keep the library open on Sunday from January through April. Whitehouse stated that students need to have access to the library.

Romeo announced that the joint meeting with the Selectmen, Finance Committee and School Committee was continued to Monday, March 15, 2004 at 7:00 p.m. (location to be determined).

### **Licenses and Permits**

**Waiver of New Building Department Fees for Veterans** – Paul Murray, Finance Officer for the American Legion Post 159, and representing American Legion Post 437 and the VFW, reiterated his request to waive the new Building Department fees for the three veterans' organizations. Murray stated that the organizations are trying to trim expenses and that memberships are down.

The American Legion pays the dues for members over the age 65. Murray stated that the organizations provide scholarships and make donations to charities. Murray stated that \$40.00 in building fees were paid this year. Romeo stated that the Board cannot waive the liquor license fees. Healy-Coffin stated that she thought the Legion had money in their reserves. Murray stated that they needed the money for scholarships, etc. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to waive the Building Inspection Fees (for American Legion Post 159, American Legion Post 437, and the VFW).**

### **Old/New Business**

**Board of Selectmen Discussion of Chapter 59, Clause 41C, Senior Citizen Tax Relief** – Mary Sawosik, Senior Citizen Tax Relief Committee, was present. This matter was continued from the meeting of February 10, 2004. Healy-Coffin summarized information provided by the Principal Assessor relative to other communities that have adopted all or a portion of the local option for 41C. The Board had the following four options to choose:

1. Reduce qualifying age from 70 to age 65
2. Adjust income for single person to \$20,000 from \$13,000, and Adjust income for married couple to \$30,000 from \$15,000
3. Adjust assets for single person to \$40,000 from \$28,000, and Adjust assets for married couple to \$55,000 from \$30,000
4. Increase exemption amount up to 100% or \$1000 maximum from the current statutory amount of \$500

**It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to adopt item 2 and item 3 to be placed on the Town Meeting Warrant.**

**Request for Board of Selectmen Comments on Waivers from Zoning Board of Appeals on Chapter 40B – Keyes Corner** – Jefferies was not in favor of waiving any of the fees. Silva was in favor of waiving the fees for the LIP project. Romeo felt that this applicant should be treated the same as all other Chapter 40B applicants. **It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to send a letter to the Chairman of the Zoning Board of Appeals informing him that the Selectmen are not in favor of waiving any fees and are not recommending relief from the Growth Management Bylaw.**

**Hitchin' Post Greens I and Magnolia Drive** – Jefferies summarized a letter from Attorney Paul Alphen dated February 25, 2004 regarding Hitchin' Post Greens I and Magnolia Drive. **It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to request Mr. Hicks donate the gift of eliminating the roundabout at the end of Hitchin' Post I.**

### **Franklin Property**

No report at this time.

### **Minutes**

**It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the minutes of January 27, 2004 (regular session).**

**It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the minutes of January 27, 2004 (executive session) but NOT release to the public.**

### **Selectmen to Discuss Placeholders for Annual Town Meeting Warrant**

**MPIC – Article Placeholder to Update Master Plan** – Fred Palmer, Co-Chairman of the Master Plan Implementation Committee, was present seeking support for a \$50,000 appropriation for consultants to assist the Town in updating the Master Plan and Executive Order 418. Ledoux recommended deferring this matter until the Fall Town Meeting for a better sense of funding. Bob Shaffer, MPIC, asked the Board to support a commitment letter being sent to the State now and dealing with the funding in the fall. **It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to support a letter that commits Westford to Executive Order 418 of January 2000 to develop a community development plan.** No further action was taken by the Board. The funding request was deferred to Fall Town Meeting.

**Rough Draft of Warrant with Placeholders** – Ledoux read the draft of warrant articles with placeholders. Jefferies asked for a placeholder to declare the Town Farm Road property as surplus. Romeo suggested that Ledoux obtain an opinion from Town Counsel regarding the ownership of that property. Ledoux stated that Bill Turner, Conservation Administrator, did research a few years ago regarding town-owned property. Ledoux to check with Turner regarding this property. Ledoux stated that the Permanent Town Building Committee is also looking at this property. Bob Shaffer, Community Preservation Committee (CPC), reported that the CPC discussed this evening what could be done with this property.

**Communications Advisory Committee** – Silva reported that time is running out relative to the Comcast license. Both parties have agreed to extend the

license for two months. Silva also reported that good faith negotiations are ongoing. Silva stated that they need to ask the Cable Division for a wavier of the full public notice requirement for amendment of the license. **It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Romeo), to support an extension of the license for two months until June 7, 2004.** Jefferies stated that he wanted an answer regarding the taxing of the internet portion within the town's right-of-way. Silva indicated that the CAC is still waiting for an answer from Attorney Peter Epstein. Jefferies asked for a placeholder on the Annual Town Meeting warrant to implement the internet tax. Silva will provide a form letter to Ledoux to be submitted to the Cable Commission on the Board's behalf.

**Highway Garage** – Jefferies reported that a Stop Work Order has been issued. The contractor has lost their licensed supervisor. Jefferies did not know if the Bond Company would be taking over the job.

**Housing Plan** – Romeo reported that the Housing Plan has been completed. The Affordable Housing Committee has reviewed the document and will be voting on the final draft in the near future. A presentation of the Housing Plan will be given to the Selectmen on March 23, 2004. The Housing Plan requires the approval of the Board of Selectmen.

### Correspondence

Romeo read the list of correspondence.

### Open Items

- 3/9-1 Ledoux to send letter of condolence to Welch family.
- 3/9-2 Ledoux to send letter to Chairman of ZBA re: BOS not in favor of waiving fees and not recommending relief from the Growth Management Bylaw re: Keyes Corner project.
- 3/9-3 Ledoux to send letter to Alphen/Hicks re: Hitchin' Post Greens I.
- 3/9-4 Ledoux to check with Bill Turner re: ownership of Town Farm Road property.
- 3/9-5 Ledoux to draft letter re: extension of license for Comcast (Silva to provide form letter).

### Adjournment

It was moved by Loiselle, seconded by Silva, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:40 p.m.

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Steve Ledoux, Town Manager

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Christopher Romeo, Chairman